REMARKS

Claims 1-20 remain pending in the instant application. All claims presently stand rejected. Claims 1, 9, and 16 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Specification

Applicants note that Box 9 was checked on the Office Action Summary, indicating that the Specification is objected to by the Examiner. The Applicants have not responded, however, because no details on the nature of the objection are provided in the Office Action.

Claim Rejections – 35 U.S.C. § 103

Claims 16, 17, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Application 2003/0212897 to Dickerson et al. ("*Dickerson*"). Claims 1-14 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dickerson* in view of US Patent Application 2001/0018721 to Lindeman ("*Lindeman*"). Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dickerson* in view of *Lindeman* further in view of US Patent No. 5958049 to Mealey et al. ("*Mealey*"). Applicants respectfully traverse the rejections. In

order to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations. M.P.E.P § 2143.03.

Amended independent claim 1 recites a method combination comprising:

executing a pre-boot application within an emulated pre-boot environment to test functionality of the pre-boot application, the emulated pre-boot environment executing within a user mode of a processor of a processing system during an operating system ("OS") runtime of the processing system; and

interacting with a hardware device of the processing system in response to the executing of the pre-boot application via a kernel proxy agent executing in a kernel mode of the processor, wherein the kernel proxy agent comprises a software agent executing on the processor <u>to provide access to processing system resources</u>.

Dickerson is directed to a method and system for maintaining secure semiconductor device areas. *Lindeman* is directed to a method and apparatus for establishing a runtime open firmware environment from a boot-time open firmware image. *Dickerson* and *Lindeman* whether taken singularly or in combination, fail to disclose, teach, or fairly suggest at least one of the expressly recited limitations of amended claim 1, in particular, executing a pre-boot application within an emulated pre-boot environment, the emulated pre-boot environment "**executing within a user mode of a processor ... .**" and "interacting with a hardware device of the processing system ...

via a kernel proxy agent ...wherein the kernel proxy agent comprises a software agent executing on the processor **to provide access to processing system resources.**"

Not only does *Dickerson* fail to disclose, teach or suggest every element and limitation of the claim, but *Dickerson* also **teaches against** a modification that would allow it to perform the recited process steps. *Dickerson* is designed to provide a control signal via support logic 46 to indicate that the semiconductor device has entered a secure mode and **obstructing** access to the secure area utilizing the control signal. Thus, the secure areas of the device 20, such as for example, the supervisor mode memory 44, are only enabled when the system is **not** in the user mode of *Dickerson* ([0032], [0038]). In fact, *Dickerson* describes systems where the supervisor mode memory 44 and secure registers are available to the user as "completely defeating the purpose of a secure mode." ([0033]). Thus, the purpose in *Dickerson* is to **obstruct access to system resources** during a user mode. Therefore, *Dickerson* actually teaches against "interacting with a hardware device of the processing system in response to the executing of the pre-boot application via a kernel proxy agent ...wherein the kernel proxy agent comprises a software agent executing on the processor to provide access to processing system resources."

Applicants submit that *Lindeman*, at the very least, also fails to teach or suggest executing a pre-boot application within an emulated pre-boot environment, the emulated pre-boot environment "executing within a user mode of a processor ... and "interacting with a hardware device of the processing system in response to the executing of the pre-

boot application via a kernel proxy agent …wherein the kernel proxy agent comprises a software agent executing on the processor to provide access to processing system resources."

Thus, *Dickerson* and *Lindeman* whether taken singularly or in combination, fail to disclose, teach, or fairly suggest at least one of the expressly recited limitations of claim 1. Accordingly, Applicants respectfully submit that claim 1 is not rendered obvious by the cited references. Amended independent claims 9 and 16 distinguish from the cited references for at least the same reasons as claim 1. Therefore Applicants respectfully request withdrawal of the rejection and allowance of the claims.

The dependent claims are novel and nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.
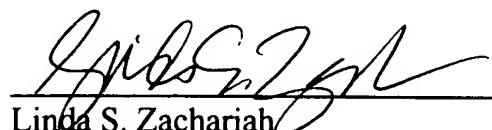
CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 11/21/06

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